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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,796	12/01/1998	PETER JOHN HULME	S1022/8152	3615

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EXAMINER
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ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/194,796

Applicant(s)

HULME, PETER JOHN

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 23-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,23-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **Status of Application**

In response to the applicant's response received on 12/19/03. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1,23-41 are unpatentable for the reasons set forth in this office action:

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,23-25,28,32,33,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US 5123046) and Kwoh (5852478).

Levine shows a first apparatus 12, which receives signals from a first remote transmitter 34. The first apparatus also includes a memory 32, which stores control signals for a second apparatus 10. In response to certain signals from the remote transmitter, the first apparatus transmits a converted control signal to one the second apparatuses. Levine shows the first apparatus wirelessly sending the accessed second control signal to the second apparatus in response to a signal from the first remote control via transmitter 40.

In an analogous art Kwoh teaches the use of the broadcast medium to send signals to a first device that are then transmitted to the second device for control of the second device (second control signals). This assists the user in

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programming a VCR to record a program, and it would have been obvious to one of ordinary skill in the art at the time of the invention to have used such a feature in the Levine system to provide such a benefit.

With regard to the limitation that there be a second remote controller "distinct" from the first remote controller. Levine teaches that the use of the transmission system eliminates the need for separate transmitters for each appliance. See col. 2 lines 35+. Therefore, Levine does teach that each apparatus has a dedicated and physically distinct remote controller.

Furthermore, it is well known (not only in the art) to have OMR or (Original Manufacture Remote) that is packaged with a VCR, for example, such that each device would necessarily include its own separate and distinct remote controller.

2. Claims 26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine and Kwoh as applied to claim 1 above, and further in view of Miyagawa (4989081).

In an analogous art, Miyagawa shows a system where a first apparatus is used to control a plurality of second apparatuses, and the plurality of second apparatuses include a sound system 16 and a home automation system 23. This permits the user to control as many systems/subsystems with one controller thus increasing the efficiency of the single remote control. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the home bus technique taught by Miyagawa in the Levine system in order to increase the usefulness of the remote control system.

3. Claims 29,30,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine and Kwoh as applied to claim 1 above, and further in view of Mills (6088355).

In an analogous art, Mills shows a cable decoder, which is generally associated with the image receiving circuit. This cable decoder of Mills is programmable. Mills can program the device using a smart card or signals received from the broadcast signal. See col. 11 lines 13-54 and col. 9 lines 9-40. The examiner is aware that there are many methods of programming command data into devices. Here Mills shows two that are used in the art of Television systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the programming technique taught by Mills in the Levine system in order to provide easy programming of the system.

4. Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine and Kwoh as applied to claims 1 and 32 above, and further in view of Geiger (508534).

In an analogous art, Geiger shows a remote control system with first and second apparatuses, where the first apparatus sends control signals to the second apparatus in response to signals received from a remote controller. Geiger also shows a further remote controller, which can be used to control the first apparatus. This shows that each apparatus can have a dedicated remote controller in addition to the system's "universal" remote controller. Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to have used the multi-"remote controller" technique taught by Geiger in the Levine system in order to allow increased control of the remote control system.

### ***Response to Arguments***

Applicant's arguments filed 12/19/03 have been fully considered but they are not persuasive.

The applicant argues on page 3 that the applicant disagrees with assertions made by the examiner, but provides no reasons why the assertions are incorrect.

The applicant argues that Levine's format signals are hardwired and therefore teaches away from the claimed invention. It remains the examiner's position that since the reference do not expressly rule out or state that flexible or received format signals cannot work; the reference cannot be considered to teach away from the claimed invention.

The applicant argues that the combination of Kwoh and Levine would result in a system in which the remote controller of Kwoh is programmed to cause the recorder of Levine to record a television program at a time and channel specified by a user inputting a code to the controller of Kwoh. While this may be true, the applicant fails to point out how this is different from the claims. It is noted that the G-code entered by the user must be translated by the cable box using the information received over the broadcast media to generate a

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formatted signal to the recorder. The applicant argues that Kwoh receives VPS codes from the media source but does not transmit these VPS signals to the recorder. The VPS signals received from the media source of Kwoh are received by the cable box and include start time code and channel code for a particular program, these codes are considered signals. When the G-Code is received from the controller it is translated and the channel and time signals are sent to the recorder. So, yes at least a channel (code) signal is sent to the recorder to enable recording.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone

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number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ